



U. S. FISH & WILDLIFE SERVICE

## News Release

FOR IMMEDIATE RELEASE

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### **U.S. Fish and Wildlife Service Unable to Authorize “Take” for the Florida Manatee Under the MMPA**

The U.S. Fish and Wildlife Service announced today that it is unable to authorize the incidental, unintentional “take” of a small number of manatees under the Marine Mammal Protection Act (MMPA). Consequently, we are withdrawing the proposed regulations at this time because comments and new information raised significant concerns since the rule was proposed.

According to the Service’s Southeast Regional Director Sam Hamilton, the Service is unable to conclude that incidental take would have a negligible impact on any of the four stocks of Florida manatees, as required by the MMPA. Consequently, the Service is publishing a negative finding and withdrawing the November 2002 MMPA Proposed Rule to authorize the incidental take of Florida manatees. In making this decision, the Service carefully considered the information provided by researchers, scientists, government agencies and stakeholders which called into question some of the Service’s standards, information and analysis used to develop the proposed regulations, as well as the need to refine and peer review the population modeling methodologies.

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## 2/3 - USFWS withdraws proposed regs

“Using the best available information and scientific data, the Service determined that the proposed methods for assessing the impact of incidental take would benefit from refinement and peer-review,” Hamilton said.

In completing a process that began in March 2001, the Service reviewed information received from government agencies, including the U.S. Geological Survey, scientists, stakeholders and the general public totaling over 8,000 comments received during the course of the rulemaking process. These comments and our responses are provided in Appendix N of the Final Environmental Impact Statement, which was made available to the public on April 4, 2003.

In addition, the Service has rescinded the Director's Consultation Procedures Memorandum of January 22, 2003. The Service will continue to follow the section 7 regulations and policies and must ensure any project that may affect manatees and could result in take are thoroughly reviewed, while at the same time ensuring projects where take is not reasonably certain to occur are not unnecessarily delayed. New guidance will be forthcoming.

Hamilton emphasized the No Action alternative does not mean a roll back in manatee conservation and recovery efforts, nor does it mean the Service will impose a state-wide moratorium on water-access facility permit reviews.

“Quite the opposite is true. In the absence of MMPA Incidental Take Regulations, the Service will continue to review each project which may affect manatees on a case-by-case basis to ensure those project are not reasonably certain to result in the taking of Florida manatees,” Hamilton said. “Projects where take is not reasonably certain to occur are likely to receive our concurrence.”

The Service received numerous comments from the public suggesting further research needed to be done before decisions were made.

### 3/3 - USFWS withdraws proposed regs

“We heard this comment a lot from both sides of the issue,” said Dave Hankla, the Service’s field supervisor in Jacksonville, FL. “and after reviewing the specifics associated with some of our previous assumptions and conclusions we decided there was some validity to those concerns. Additional research needs to be accomplished and existing research needs to be completed.”

Hankla noted that last week the Service and the State of Florida announced additional funds were being directed to accomplishing some of that research.

The Service will continue to frequently monitor manatee distribution, mortality, and demographic data, as well as changes in ongoing manatee protection programs and use this information in any future actions.

The Record of Decision, the *Federal Register* Notice of Availability, a fact sheet and Frequently Asked Questions are available online at our web site: <http://northflorida.fws.gov>. Paper copies may be requested by e-mail to [manatee@fws.gov](mailto:manatee@fws.gov), by fax at 904/232-2404, by calling 904/232-2580, or by writing to U.S. Fish and Wildlife Service, Attn: MMPA Record of Decision, 6620 Southpoint Dr. South, Suite 310, Jacksonville, FL 32216..

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Services manages the 94-million-acre National Wildlife Refuge System which encompasses more than 540 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 66 national fish hatcheries, 64 fish and wildlife management assistance offices, 64 Fishery Resource Offices and 78 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.